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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/147,894 03/23/99 TANAKA

M 445-271F

002292 QM12/0727  
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EXAMINER

REICHLE, K

ART UNIT

PAPER NUMBER

3761

DATE MAILED:

07/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/147 894

Applicant(s)

Tanaka et al

Examiner

Reuehle

Group Art Unit

3761

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 3-23-99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 3-23-99 is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 495
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

For Example:

It is noted the transmittal papers indicate assignment papers were filed. However, such papers are not present in the application file.

The abstract of the disclosure is objected to because the abstract, a copy of the PCT, is acceptable for filing purposes only. A clean copy of the abstract on a separate page must be submitted prior to allowance, if any. Also, the legal terminology, i.e. "comprising", should be avoided. Correction is required. See MPEP § 608.01(b).

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 3, line 12.

The drawings are objected to because in Figure 2, a separate arrow from 30 to the member should be provided rather than the numeral between parenthesis. This also applies to Figures 4-2, 9-14. In the Figures 1-6, 1", 4', 2'; 4", 3' and 6' should not be underlined. Correction is required.

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The disclosure is objected to because of the following informalities: 1) The Summary of the Invention, i.e. a description of the claimed invention, is not consistent in scope with claims 2-20..

Appropriate correction is required.

Claim 4 is objected to because of the following informalities: in claim 4, "contacting" should be -- contactable --. Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

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made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

It is noted that “barrier” is defined as “something that acts to hinder or restrict “ as defined by the American Heritage Dictionary. Each of the following prior art devices includes laterally located portion which are absorbent and extend along longitudinal edges and thereby, if not explicitly described as such, inherently perform, have the capability or function as barrier cuffs.

Claims 1-2, 5-6, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Canadian International.

See Figure 8, page 3, lines 37-41 and page 6, lines 38-59, i.e. 41 can nonpreferably be fluid impervious. Also, it is noted that the entire sheet is not required to be of the cited thickness although “approximately” 1/4 inch is “approximately” 5mm.

Claims 1, 3, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al.

See figures 1 and 2 and column 1, lines 44-57.

Claims 1, 4, 12, 13, are rejected under 35 U.S.C. 102(b) as being anticipated by Runeman et al.

See Figures and column 3, lines 11-14.

Claims 1, 3, 8-13, 15, 17, are rejected under 35 U.S.C. 102(b) as being anticipated by Glaug et al ‘512.

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See Figures, especially 2, 7, 8 and 10, page 18, line 21- page 19, line 18, page 22, lines 20-24 and paragraph bridging pages 25-26.

Claims 1, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones, Sr. '950.

See Figures and column 2, lines 50-51

Claims 1, 15 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Molnlycke et al '582.

See Figures 2 and 4, upper laterally outwardmost pads are barriers, upper innermost pads in Figure 4 are absorbent pad (claim 15), in planar pad and auxiliary pad (claim 20), and second top layer 6 (claims 19 and 20).

Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Chesky et al. See Figure 5.

Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahr et al.

See Figure 3, e.g. first top layer is upper layer 68 of 26, back layer is 24, absorbent is 67, second top layer is 22, second absorbent member is at least 28, see column 10, lines 63 et seq, and could also include 52, 54, 55 and means for securing are at least 56.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian International in view of Roessler et al '342 and Molnlycke '582 and P&G '326.

Applicants claim the composition of the absorbent sheet while Canadian International only teaches a hydrophilic fiber, i.e. wood pulp, absorbent sheet. See, however, Roessler et al, column

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9, line 3 - column 10, line 3 and column 10, lines 49-57 and Molnlycke, paragraph bridging pages 6-7 and P&G, page 9, lines 20-28. To make the absorbent sheet of Canadian International the claimed composition would be obvious to one of ordinary skill in the art in view of the interchangeability of such conventional absorbents as taught by Roessler et al, Molnlycke and P & G.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art above, prior art cited by Applicant and other prior art cited include many of the claimed features. The lack of a rejection on the prior art is not an indication that such claimed structure is not taught by the prior art. Due to the large number of references the Examiner has rejected the claims on some of the most relevant, in the Examiner's opinion, prior art.

Any inquiry concerning this communication should be directed to K. Reichle at telephone number (703) 308-2617.

*K. M. Reichle*  
Karin M. Reichle  
Patent Examiner

K. Reichle:bhw  
July 10, 2001

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.